IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32668 of 2007(S)

PETITIONER:

RUSSEL JOY,
ADVOCATE, MEMBER, NATIONAL COUNCIL,
JANATA DAL(S), RESIDING AT NAZARETH,
ALUVA-1.

BY ADV. SRI.N.HARIHARAN
SRI.P.F.FRANCIS

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO HOME,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. SRI. KODIYERI BALAKRISHNAN,
THE HOME MINISTER OF KERALA,
GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADVOCATE GENERAL SRI.C.P.SUDHAKARA PRASAD
GOVERNMENT PLEADER SRI.HOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). NO. 32668 OF 2007 S

Dated this the 5th November, 2007

JUDGMENT

H.L.DATTU, C.J.

In our opinion, before a citizen can claim a Writ of Quo warranto, he must satisfy the Court, interalia, that the office in question is a public office and is held by usurper without legal authority. The assertions and allegations made in the petition in no way nearer to the ingredients required to maintain a petition for a Writ of Quo warranto. Therefore, without going to other details, in our view, the petition requires to be dismissed in limine and accordingly, we do so.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/dk